

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DANIEL MC WILLIAMS, JR.,
GARY BOWEN and
RAYMOND MENDOZA,**

Defendants.

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8:06CR209

ORDER

This matter is before the court on the motion for an extension of time by defendant Raymond Mendoza (Mendoza) (Filing No. 28). Mendoza seeks an extension of the pretrial motion deadline. Mendoza's counsel represents that counsel for the government has no objection to the motion. Mendoza's counsel represents that Mendoza will submit an affidavit in accordance with paragraph 9 of the progression order whereby Mendoza consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted and the pretrial motion will be extended **as to all defendants**.

IT IS ORDERED:

1. Mendoza's motion to extend the pretrial motion deadline (Filing No. 28) is granted.

2. All defendants are given until **on or before August 18, 2006**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 13, 2006 and August 18, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 9:00 a.m. on August 8, 2006, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 13th day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge